12/Dec.1.131 P.2

10/3/03

L. Ellis

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:	Fiedotin, R. et al.	Confirmation No.:	3747
Serial No.:	09/487,932	Art Unit:	3626
Filed:	January, 20, 2000	Examiner:	Kalinowski, Alexander
For:	METHOD AND SYSTEM FOR PROVIDING CURRENT INDUSTRY SPECIFIC DATA TO PHYSICIANS	Attorney Docket No:	10160-007-999

SUPPLEMENTAL DECLARATION OF RICHARD FIEDOTIN
UNDER 37 C.F.R. § 1.131

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RECEIVED

SEP 2 9 2003

GROUP 3600

Sir:

I Richard Alan Fiedotin, hereby declare the following to be true:

1.   I am a co-inventor together with Jeffery Tangney and Thomas Lee of the invention described and claimed in the above-identified patent application.

2.   nCircle Communications Inc. was founded in 1998 by Jeffrey Tangney and myself, and was later renamed ePocrates Inc. (hereinafter the "Company").

3.   Currently, I am the Vice President of Clinical Products for ePocrates, Inc.

4.   I contributed to the conception of the subject matter claimed in the above-identified patent application prior to July 1, 1999.

5.   I engaged in reasonable diligence from at least just prior to July 1, 1999, until the invention was constructively reduced to practice by filing the above-identified patent application with the United States Patent and Trademark Office on January 20, 2000.

1

CAI:355547.1

10.   Exhibits F, J, and K, originally filed as part of my declaration for the response to the office action mailed October 28, 2002, are resubmitted herewith.

11.   Reasonable diligence for the periods from July 30, 1999 - August 6, 1999; August 31, 1999 - September 7, 1999; and September 7, 1999 - September 15, 1999, is shown by Exhibit P and Exhibit Q, annexed hereto.

12.   Exhibit Q represents a sampling of code revisions made from August 6, 1999 - September 21, 1999. Exhibit K, previously submitted, represents a sampling of other code revisions made during the same period. These revisions were made to software code for performing at least a portion of the invention claimed in the above-identified patent application. Accordingly, such code revisions demonstrate the Company's continued efforts toward reducing the invention to practice.

13.   Exhibit P is a printout of my notes and communications between myself and multiple entities. These entities were engaged to assist in reducing the invention to practice by generating and supplying medical data as required by the claims of the present invention. For example, my communication with Mr. David Green from PCS Health Systems, Inc. on July 14, 1999, represents negotiations for supplying formulary data to the Company. *See* **Exhibit P, page 2.**

14.   I, hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and that these statements are made with knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, and any patent issuing thereon, or any patent to which this declaration is directed.

_9/22/03_
Date

Richard Fiedotin
DR. RICHARD FIEDOTIN

2

BlueLark Interactive, LLC

BLUELARK   Interactive

530 Showers Dr.
Suite 7, PMB303
Mountain View, CA 94040-1457

Invoice

DATE	INVOICE #
8/1/1999	5

BILL TO

nCircle
c/o Simon Mawby
smawby@ncircle.com

P.O. NUMBER	TERMS	REP		BILLING PERIOD	PROJECT
	Due on receipt			7/15- 7/31/99	

HOURS	ITEM CODE	DESCRIPTION	PRICE EACH	SERVICED	AMOUNT
2	NCS2		60.00	7/15/1999	120.00
5	NCS2	Perl Script- "On Formulary" for United Healthcare	60.00	7/15/1999	300.00
4	NCI2	nCircle Interviewing	60.00	7/16/1999	240.00
3	NCS2	nCircle Software Development	60.00	7/17/1999	180.00
6.25	NCI2	nCircle Interviewing	60.00	7/22/1999	375.00
1	NCS2	Adding Formulary Screens	60.00	7/22/1999	60.00
7.5	NCS2	Adding Formulary Screens	60.00	7/24/1999	450.00
1	NCI2	nCircle Interviewing	60.00	7/24/1999	60.00
6	NCS2	added memo screens for PD and PF	60.00	7/25/1999	360.00
7.5	NCI2	Interviewing	60.00	7/25/1999	450.00
5	NCS2	add formulary screens	60.00	7/25/1999	300.00
1.5	NCS2	IM Demo - edit Pfizer vs. PD	60.00	7/26/1999	90.00
4.5	NCS2	Bug Hunting	60.00	7/26/1999	270.00
2	NCS2	Bug Hunting	60.00	7/27/1999	120.00
12.5	NCS2	Rewriting ColView	60.00	7/27/1999	750.00
5	NCS2	Polish PDB Generation App	60.00	7/27/1999	300.00
7	NCS2	ColView, cont'd	60.00	7/28/1999	420.00
2	NCS2	Polish PDB Generation App	60.00	7/29/1999	120.00
1.5	NCS2	Researching Software	60.00	7/29/1999	90.00
7.5	NCS2	Design Meeting	60.00	7/30/1999	450.00

	Total	$5,505.00

ok to pay

12

7/29	Mtg w/ P-D
	Contract must hold P-P harmless
	Funding come out of "ARP" pot or "AMP" pot
	They'll have someone from:
	I/S
	Regulatory
	Bob
	brand team
7/30	Pfizer
	Jack Krasney
	Steve Lalkoff — Knows Ted Stotlitte + Danzy Bates

Application Design Document for eCopeia 2.0 ReadOnly-2-Rev-1-design.txt

ReadOnly-2-Rev-2-design.txt
Application Design Document for eCopeia 2.0

Primary classes:

        Scrollable View
                List View
                Free Flowing Text View

        Preference Data (Globals)
        Transient Data (Globals)

        Database Access
                Database Fast List Access
                String Lookup / Decoding

        List Screen

        Drug Detail Screen
                AdditionalInfo Screen
                Adverse Reactions Screen
                Contraindications Screen
                Costs Screen
                Dosing Screen
                Interactions Screen
                Memo Pad Screen

        About Screen

        Preferences Screen

Early Rx Code Submissions.txt
The following is a sampling from the first 2000 changes
submitted to the ePocrates source code control system,
which show the beinnings of the ePocrates Rx product
development - the product at that time had the code name
'eCopeia'. The submitted changes cover the period
6-AUG-1999 to 21-SEP-1999.

==

Change 1 by jkleid@vss on 1999/08/06 16:41:00

        Design document added

Affected files ...

//depot/main/palm/eCopeia/design.txt#1 add
==

Change 2 by jkleid@vss on 1999/08/06 21:39:00

        Class design added

Affected files ...

//depot/main/palm/eCopeia/design.txt#2 edit
==

Change 3 by jkleid@vss on 1999/08/06 21:47:00

        Added

Affected files ...

//depot/main/palm/eCopeia/src/Main.cpp#1 add
==

Change 4 by jkleid@vss on 1999/08/08 21:15:00

        rsrc fix

Affected files ...

//depot/main/palm/eCopeia/src/Main.cpp#2 edit
==

Change 5 by ben@vss on 1999/08/08 21:17:00

Affected files ...

//depot/main/palm/eCopeia/src/ListView.cpp#1 add
==

Change 6 by ben@vss on 1999/08/08 21:18:00

Affected files ...

//depot/main/palm/eCopeia/src/ListView.h#1 add
==

Page 1

Early Rx Code Submissions.txt
Change 7 by jkleid@vss on 1999/08/08 21:20:00
        added Screen

Affected files ...

//depot/main/palm/eCopeia/Src/Screen.cpp#1 add
━━━
Change 8 by jkleid@vss on 1999/08/08 21:30:00
        Added

Affected files ...

//depot/main/palm/eCopeia/Src/Screen.h#1 add
━━━
Change 9 by ben@vss on 1999/08/08 23:08:00

Affected files ...

//depot/main/palm/eCopeia/Src/Main.cpp#3 edit
━━━
Change 10 by ben@vss on 1999/08/08 23:09:00
        ported from colview

Affected files ...

//depot/main/palm/eCopeia/Src/Listview.h#2 edit
━━━
Change 11 by ben@vss on 1999/08/08 23:09:00
        ported from colview

Affected files ...

//depot/main/palm/eCopeia/Src/Listview.cpp#2 edit
━━━
Change 12 by jkleid@vss on 1999/08/08 23:11:00

Affected files ...

//depot/main/palm/eCopeia/Src/Screen.h#2 edit
━━━
Change 13 by jkleid@vss on 1999/08/08 23:11:00

Affected files ...

//depot/main/palm/eCopeia/Src/Screen.cpp#2 edit

Page 2

Early Rx Code Submissions.txt
```
------------------------------------------------------------
Change 14 by ben@vss on 1999/08/08 23:27:00
        fixed build errors

Affected files ...

//depot/main/palm/eCopeia/Src/ListView.cpp#3 edit
============================================================
Change 15 by ben@vss on 1999/08/08 23:30:00
        fixed build errors

Affected files ...

//depot/main/palm/eCopeia/Src/ListView.h#3 edit
------------------------------------------------------------
:
:
------------------------------------------------------------
Change 20 by jkleid@vss on 1999/08/08 23:47:00
        added

Affected files ...

//depot/main/palm/eCopeia/Src/Vector.h#1 add
============================================================
:
:
============================================================
Change 25 by ben@vss on 1999/08/09 00:00:00


Affected files ...

//depot/main/palm/eCopeia/Src/ClassListView.cpp#1 add
============================================================
:
:
============================================================
Change 30 by jkleid@vss on 1999/08/09 00:42:00
        used precomiled headers

Affected files ...

//depot/main/palm/eCopeia/Src/ListView.cpp#4 edit
============================================================
:
:
============================================================
Change 40 by jkleid@vss on 1999/08/09 01:43:00
        added methods

Affected files ...

//depot/main/palm/eCopeia/Src/ScreenManager.h#3 edit
------------------------------------------------------------
:
------------------------------------------------------------
```
                                                    Page 3

Early Rx Code Submissions.txt

Change 50 by jkleid@vss on 1999/08/09 01:45:00

     fixed something

Affected files ...

//depot/main/palm/eCopeia/Src/ScreenManager.cpp#4 edit
===
:
:
===
Change 100 by jkleid@vss on 1999/08/10 00:38:00

     added constants

Affected files ...

//depot/main/palm/eCopeia/Src/eConstants.h#2 edit
===
:
:
===
Change 200 by ben@vss on 1999/08/11 21:21:00

     event handling in text view

Affected files ...

//depot/main/palm/eCopeia/Src/TextView.h#7 edit
===
:
:
===
Change 300 by jkleid@vss on 1999/08/13 19:06:00

     added ctor/dtor

Affected files ...

//depot/main/palm/eCopeia/Src/DrugScreen.h#2 edit
===
:
:
===
Change 400 by jkleid@vss on 1999/08/17 01:35:00

     no more drawRow

Affected files ...

//depot/main/palm/eCopeia/Src/ClassListView.cpp#12 edit
===
:
:
===
Change 500 by jkleid@vss on 1999/08/25 00:39:00

     setNumPlans

Affected files ...

//depot/main/palm/eCopeia/Src/Prefs.cpp#10 edit
===
:
:
===

Page 4

Early Rx Code Submissions.txt

Change 600 by ben@vss on 1999/08/28 03:26:00
        ellipsis

Affected files ...

//depot/main/palm/eCopeia/Src/eConstants.h#11 edit

```
=================================================================
  :
  :
=================================================================
```

Change 700 by jkleid@vss on 1999/08/29 19:44:00

Affected files ...

//depot/main/palm/eCopeia/Src/ClinicalScreen.cpp#30 edit

```
=================================================================
  :
  :
=================================================================
```

Change 800 by jkleid@vss on 1999/08/31 14:21:00
        generics show formulary status

Affected files ...

//depot/main/palm/eCopeia/Src/DrugClassAccess.h#8 edit

```
=================================================================
  :
  :
=================================================================
```

Change 900 by jkleid@vss on 1999/09/05 22:48:00

Affected files ...

//depot/main/palm/eCopeia/Src/ClinicalScreen.cpp#53 edit

```
=================================================================
  :
  :
=================================================================
```

Change 1000 by jkleid@vss on 1999/09/07 21:23:00
        uses precomp

Affected files ...

//depot/main/palm/eCopeia/Src/DosingView.cpp#5 edit

```
=================================================================
  :
  :
=================================================================
```

Change 1100 by ben@vss on 1999/09/09 19:08:00
        working on find

Early Rx Code Submissions.txt
Affected files ...

//depot/main/palm/eCopeia/Src/eConstants.h#28 edit

```
━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━
 :
 :
━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━
```

Change 1200 by ben@vss on 1999/09/14 17:05:00

Affected files ...

//depot/main/palm/eCopeia/Src/ClinicalScreen.cpp#65 edit

```
━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━
 :
 :
━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━
```

Change 1300 by jkleid@vss on 1999/09/15 17:04:00
        logging

Affected files ...

//depot/main/palm/eCopeia/Src/ProHeaders.pch++#4 edit

```
━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━
 :
 :
━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━
```

Change 1400 by dan@vss on 1999/09/15 20:59:00

Affected files ...

//depot/main/MAL/MALRoot32/mal/client/palm/conduit/config_sync0.ico#1 add

```
━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━
 :
 :
━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━
```

Change 1500 by rena@vss on 1999/09/16 18:00:00

Affected files ...

//depot/main/server/MALServer/MALSession.java#14 edit

```
━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━
 :
 :
━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━
```

Change 1600 by jkleid@vss on 1999/09/17 15:28:00
        comments

Affected files ...

//depot/main/palm/eCopeia/Src/Prefs.h#25 edit

```
━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━━
 :
```

Page 6

Early Rx Code Submissions.txt

```
:
=================================================================
Change 1700 by ben@vss on 1999/09/19 20:27:00
        form title popup deleted

Affected files ...

//depot/main/palm/eCopeia/Src/ClassesScreen.cpp#28 edit

=================================================================
:
:
=================================================================
Change 1800 by dan@vss on 1999/09/20 20:55:00


Affected files ...

//depot/main/MAL/MALRoot32/mal/client/win/desktop/AGMobileLinkAppletMAL/AGMALAppXMLHandler.c#1 add

=================================================================
:
:
=================================================================
Change 1900 by dan@vss on 1999/09/20 21:17:00


Affected files ...

//depot/main/MAL/MALRoot32/mal/install/MALInstall/Setup Files/CVS/Entries.Log#1 add

=================================================================
:
:
=================================================================
Change 2000 by jkleid@vss on 1999/09/21 00:22:00


Affected files ...

//depot/main/palm/eCopeia/Src/RESOURCE.FRK/Lite.rsrc#4 edit
```

1. **Merck-Medco** Merck-Medco / merckmedco
65 M lives
-----------Redacted -------------------------------------
Brad Kogen

------------Redacted -------------------------------------

tony_schueth@merck.com
8/4: spoke with tony **201-269-6646**. Told him about PD abd Palm exclusive. Sent him e-mail....
8/5: I spoek with Sandy White. I used to work with her at MediSpan when I was at HBOC.... Notes section. She will send me
CA and we will go from there.
8/6: tony... He says to **call him in the last week of august (9/1/99)**.

-------------Redacted -------------------------------------

2. PCS Health Systems, Inc. PCS / pcs
65 Million lives
400,000 doctors
their formulary is determined by PCS Pharmacy and Therapeutics (P&T) Committee
Formulary Editor
PCS Health Systems, Inc.
5701 Green Valley Drive
Bloomington, Minnesota 55437
Phone: 800-732-9331
Email: formulary@druglist.com
Internet: http://www.druglist.com
PCS Health Systems
9501 E. Shea Blvd.
Scottsdale, AZ 85260
(602) 391-4600

--Redacted --------------------------------------

David Green from PCS wants to have a teleconference to discuss some technical issues.

He is particularly interested in:
1. the format we would prefer to receive the formularies in
2. our preferences about updating
3. "physical characteristics"
4. where our server will be located
5. what kind of server we will have
6. whether we will be using FTP or another protocol

He might have a programmer and a telecom person participating on their side of the conversation. He will use this information to make an assessment of the effort involved in their part to get the formularies out of their system.

The process for getting this assessment:
Steps 1 and 2: approval to get estimate and assignment of task to an individual – approximately 1 day
Step 3: Making the assessment – approximately 1 month. The ITD (Information Technology Dept.?) schedule drives the delivery date.

As an inducement to PCS to provide us with formularies, I have offered to subsidize the effort to get the information. He countered with a possible barter or credit arrangement (for Palms).

To Dos:
1. I have tentatively scheduled a teleconference for 10 AM on Monday, 7/19. Let me know if this is OK, Jeff.
2. I am forwarding a document on the technical specs drafted by Jeff several months ago. Could the two of you review it and make any changes necessary. Simon, if you could e-mail it to David and introduce yourself at that time, that would be great. He would like to get an idea of what we need before the meeting.
3. Decide if there is anyone unless we would like to have participate in this conversation on our side.
4. Why don't we congregate around my high-tech telecom node (a.k.a. only phone with decent speaker-phone capabilities we possess) at 10 AM on Monday unless there is a schedule conflict.

--Redacted --------------------------------------

8/2: ... where do we stand,when will they make their decision, anything we can do to help, subsidize development, what are their issues, update on us, concerns about us. Left kent msg.
8/5: kent called back...

------------Redacted -------------------------------------

8/6: left kent msg. That we would go out to AZ to meet Michael Mav (Sr. VP of BD)

3. Express Scripts Value Rx   **Express Scripts / expressscripts**
25 Million lives
1-800-281-0712

------------Redacted --

8/2: shaen is in St. Louis. Will be back in the office on Wednesday. Terri is out on vacation all week.
8/4: left shawn msg.

------------Redacted --

4. CareMark (medpartners) Caremark / caremark
12 Million lives
David Joyner, VP, Field Management, at 847-559-5466

------------Redacted --

7/14: left msg w/David Joyner. Joyner called back. He has forwarded my name onto **Dan Lewis (847-559-3776)**, who is responsible for trade relations and promotion of formulary. Lewis should call me. If he does not, I should call joyner and he will expedite the process. dan lewis 800-323-8083 x3776   dan.lewis@ mdmnetwork.com
7/20: left msg. for joyner that I had not heard from dan lewis.
8/2: left dan mesg that I would be senfing info he wants. Information sent.
8/4: left dan msg.

------------Redacted --

6. Advance Paradigm   Advance Paradigm / AdvPara
20 Million lives

------------Redacted ---------------------------------------

Ken Goad
Sr. Director, IT
Advance Paradigm Clinical Services

------------Redacted ---------------------------------------

8/2: carmen says there are a couple of business issues with the contract. . Relevant people were out of the office last week. she expects to get back to me by Wednesday with their response.

------------Redacted ---------------------------------------

7. National Prescription Administrators

------------Redacted -------------------------------------

8/2: left paul msg... ...asking if he can get us a sample of their data so we can begin data architecture. ... Passed msg. to Marilyn gordon, director of formulary services contract mgr, 973-503-1000 ext. 2307 re sample data layout.
8/3: thanked paul
8/5: RedBook lists brands and generics. ... Marilyn will e-mail me excel file. It won't have generics bc they are on mainframe. This is just on/off formulary at the national plan level.. threre is a lot more info that we need including sttus on formulary as well as all the different formularies, not just the natinoal one

------------Redacted -------------------------------------

8. WellPoint Pharmacy Products and Management 13.6 million members
WellPoint Health Networks Inc.uying us
120 South Via Merida
Thousand Oaks, California 91362
(818) 703-4000 800-700-2541
Valerie Vitto asst for rob sideman, VP of pharmacy (BC of CA pharma) 818-610-4818
Formualry is managed by BC

------------Redacted --------------------------------------

8/2: left rob message w/ secretary.
8/4: left rob message w/ secretary.

------------Redacted --------------------------------------

9. First Health Services Corporation

------------Redacted --

8/4: left don and jenni messages.
8/5: jenni dorwarded my message to **dan hardin, dir mktg pharmaceutical products**. What is our MD base. **804-965-7735**
hdhardin@fhsc.com

------------Redacted --

Change 250 by jkleid@vss on 1999/08/12 15:40:00

    * -> Ptr

Affected files ...

//depot/main/palm/eCopeia/Src/PlanAccess.cpp#6 edit

Change 380 by jkleid@vss on 1999/08/16 13:00:00

        added

Affected files ...

//depot/main/palm/eCopeia/Src/DrugClassListView.cpp#1 add

Change 420 by jkleid@vss on 1999/08/19 03:45:00

populated with methods

Affected files ...

//depot/main/palm/eCopeia/Src/AboutBox.cpp#2 edit

Change 440 by jkleid@vss on 1999/08/20 03:16:00

    findRowWithName

Affected files ...

//depot/main/palm/eCopeia/Src/DrugClassAccess.cpp#4 edit

Change 466 by ben@vss on 1999/08/23 03:30:00

Affected files ...

//depot/main/server/MALServer/MALSession.java#6 edit

Change 470 by jkleid@vss on 1999/08/24 00:48:00

    removed planID

Affected files ...

//depot/main/palm/eCopeia/Src/PlanAccess.cpp#11 edit

Change 550 by jkleid@vss on 1999/08/26 00:51:00

Affected files ...

//depot/main/palm/eCopeia/Src/ClassesScreen.cpp#12 edit

Change 570 by jkleid@vss on 1999/08/27 00:34:00

new util name

Affected files ...

//depot/main/palm/eCopeia/Src/eConstants.h#10 edit

Change 720 by ben@vss on 1999/08/30 01:14:00

       additional info screen

Affected files ...

//depot/main/palm/eCopeia/Src/ClinicalScreen.cpp#31 edit

Change 825 by ben@vss on 1999/09/01 00:29:00

    delete iter

Affected files ...

//depot/main/palm/eCopeia/Src/DrugAccess.h#20 edit

Change 830 by jkleid@vss on 1999/09/02 21:28:00

  added

Affected files ...

//depot/main/palm/eCopeia/Src/ContraView.cpp#1 add

Change 850 by jkleid@vss on 1999/09/03 00:09:00

methods added

Affected files ...

//depot/main/palm/eCopeia/Src/CostsView.h#2 edit

Change 950 by ben@vss on 1999/09/06 21:10:00

    bold text to popups

Affected files ...

//depot/main/palm/eCopeia/Src/TextPopup.cpp#5 edit

Change 1050 by ben@vss on 1999/09/08 18:01:00

    fixed global find

Affected files ...

//depot/main/palm/eCopeia/ePocrates-cw5.mcp#5 edit

Change 1120 by jkleid@vss on 1999/09/10 02:45:00

Affected files ...

//depot/main/palm/eCopeia/Src/BeamManager.cpp#7 edit

Change 1170 by dan@vss on 1999/09/13 19:10:00

added SyncAd conduit

Affected files ...

//depot/main/server/MALServer/MALConstants.java#4 edit